

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1086 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHREEJI PACKAGINGS

Versus

REGIONAL PROVIDENT FUND COMM

Appearance:

MR KM PATEL for Petitioner

MR JD AJMERA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/10/97

ORAL JUDGMENT

For the reasons and grounds given out in the judgment delivered today by this Court in Special Civil Application No.8070 of 1992, this Special Civil Application is not maintainable and the same is dismissed only on the ground of availability of statutory remedy of appeal against the impugned order.

2. In this case, this Court has granted interim relief in favour of the petitioner in terms that the petitioner is directed to pay up the arrears by twelve equal monthly installments commencing from the date of computation of the amount by the respondent and intimated to the petitioner and shall also go on complying with the provisions of the Provident Fund Act as to the liability, which may accrue hereafter. The learned counsel for the petitioner submitted that by now, possibly the amount would have been paid by the petitioner. In view of this fact whatever interim relief which has been granted by this Court is ordered to be continued for further six weeks from today.

3. In the result, this Special Civil Application fails only on the ground that now statutory remedy of appeal is available to the petitioner under section 7-I of the Employees Provident Funds and Miscellaneous Provisions Act 1952, and in case such appeal is filed within a period of one month from today, the same may not be dismissed only on the ground of limitation and shall be decided on merits by the appellate tribunal. The interim relief which has been granted by this Court in this case is extended for further six weeks from today. The appellate tribunal shall consider afresh, the matter of continuation of interim relief in favour of petitioner in accordance with law. It is however made clear that the appellate tribunal, while dealing with the question of extending the interim relief granted by this Court, shall not be influenced by the fact that this Court had earlier granted interim relief in favour of the petitioner, and shall decide the matter in accordance with law. Rule discharged subject to aforesaid directions. No order as to costs.

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(sunil)